

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DR. TREVOR ALLEN and LISA ALLEN,
husband and wife, individually and as the
natural parents and guardians of AA, CA
AND SA, minor children,

Plaintiffs,

v.

THE STATE OF WASHINGTON,
SHELLEY FELD, a natural person in her
individual and official capacity as an employee
of the State of Washington, and John and Jane
Does 1 through 25, in their individual and
official capacities as unidentified employees of
the State of Washington,

Defendants.

Case No. C05-5502 KLS

ORDER GRANTING MOTION TO ADD
NEW PARTIES

This matter comes before the court on the plaintiff's Motion for Leave to Amend to Add Parties. (Dkt. #21 and #23). The defendants filed a brief in opposition to the motion. (Dkt. #22). The court has reviewed the pleadings and the motion to add new parties is hereby GRANTED.

The Court recognizes that the Order Setting Trial, Pretrial Dates and Ordering Mediation (Dkt. #18) established a cut-off date of January 24, 2006 for joinder of parties. Clearly, the pending motion was filed beyond that cut-off date. In addition, the defendants did identify Jeffrey S. Frice and Anthony T.

1 Shaver as individuals with knowledge pursuant to Fed. R. Civ. P. 26 (a)(1)(A). (Dkt. #12). Mr. Frice was
2 identified as “CCS who was Feld’s supervisor” while Mr. Shaver was identified as “CCO3 present at
3 Plaintiff’s home with Shelley Feld on 10/17/03.”

4 On the other hand, plaintiffs’ counsel states he was able to specifically identify the proposed
5 additional two defendants after taking three depositions sometime during the month of May. (Dkt. #23).
6 The plaintiffs’ naming of two additional defendants does not add any new claims to the complaint but
7 rather is intended only to identify specific individuals who were initially names as John and Jane Does. The
8 addition of these new defendants will not cause any prejudice to the defendants as there is no request being
9 made for a continuance of the trial date and the discovery cut-off date remains set for June 19, 2006.
10 Inasmuch as the proposed new defendants are available to defense counsel, there is no prejudice due to the
11 discovery cut-off date. The only prejudice identified by the defendants is whether the Attorney General
12 will decide if they newly proposed defendants are entitled to defense and indemnification pursuant to
13 R.C.W. 4.92.060; .070; and .075. That is not a good and sufficient reason to deny the plaintiffs’ motion.

14 The plaintiffs shall be allowed to file and serve their amended complaint, which was Exhibit “A”
15 attached to their motion, which adds two new named defendants.

16 DATED this 8TH day of June, 2006.

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18 /s/ Karen L. Strombom
19 Karen L. Strombom
20 U.S. Magistrate Judge
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